

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 18733
of UNITED STATES BUREAU OF RECLAMATION
to Appropriate from Fresno River in
Madera County

Order WR 73-13

ORDER DENYING PETITIONS FOR RECONSIDERATION
AND AMENDING DECISION 1407

On January 4, 1973, the State Water Resources Control Board adopted Decision 1407 in which the Board approved Application 18733 of the United States Bureau of Reclamation covering the Hidden Dam project.

On February 1, 1973, the Bureau and the Madera Irrigation District, beneficiary of the project, filed petitions for reconsideration of the decision. The reconsideration requested concerns conditions 14, 15, and 17 of the Order of the decision relating to reservations of water for upstream uses and limitation of the place of use of project water. Included in the petitions is a contention of the petitioners that new data, developed subsequent to the hearing in the matter, justify a revision of condition 17. They also request that the provision of condition 14 be subject to the upstream reservoirs being kept free of phreatophytes and that condition 15 be clarified by defining how the depletion of flow is intended to be interpreted.



RECYCLED PAPER

A to D 1407

Condition 17 restricts the place of use under the permit to the existing boundaries of the Madera Irrigation District and provides that no expansion or change in the place of use will be allowed until the permittee provides satisfactory evidence that underlying ground water sources are not overdrawn. The District contends that this is an unreasonable restriction on its inherent power to annex lands as it determines to be in the best interest of the area involved and the subject is not within the jurisdiction of the Board to regulate. The Bureau agrees that the evidence produced at the hearing shows the ground water levels underlying the District are steadily lowering, but now contends that later information shows this trend to have reversed and that the ground water levels are recovering.

While it is true the hydrograph accompanying the Bureau's petition shows that the average depth to water has decreased since 1968, the period of record may not be adequate to assure that this trend will continue. By the time Hidden Project water is available, the evidence should be more conclusive. If the Bureau is correct, then the provisions of condition 17 can be met and no problem is seen in allowing an expansion of the place of use, should it so desire. In the meantime, we believe that the provisions of condition 17 are in the public interest and within the jurisdiction of the Board to impose. Therefore, no revision of condition 17 is justified at this time.

The arguments of the petitioners that condition 14 should be subject to keeping the qualifying reservoirs free of phreatophytes are persuasive and the order will so provide.

Condition 15 was based upon the intention of the Board to permit a streamflow depletion of up to 2,000 acre-feet of the water reaching Hidden Reservoir. This is reflected in the first two sentences of finding 14 on page 8 of the decision. The three sentences following expressed the manner in which such depletion could be determined when the runoff during a given year was average or above. It did not intend to mean that depletion would be equal to gross diversion notwithstanding the type of water year. Condition 15 correctly reflects the intent of the Board and no change is warranted.

IT IS HEREBY ORDERED that the petitions of United States Bureau of Reclamation and the Madera Irrigation District be denied, and that condition 14 on page 14 of Decision 1407 be amended by removing the period after "acre-feet" and adding the phrase "and the reservoirs are kept free of phreatophytes." No other changes to the Decision are warranted.

Adopted as the decision and order of the State Water
Resources Control Board at a meeting duly called and held at
Los Angeles, California.

Dated: March 1, 1973

W. W. ADAMS

W. W. Adams, Chairman

RONALD B. ROBIE

Ronald B. Robie, Vice Chairman

E. F. DIBBLE

E. F. Dibble, Member

ROY E. DODSON

Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER

Mrs. Carl H. (Jean) Auer, Member



MINUTES OF THE
SPECIAL BOARD MEETING
STATE WATER RESOURCES CONTROL BOARD

NOTE: Copies of the Regulation and Order mentioned in these minutes can be obtained from the State Water Resources Control Board, P. O. Box 100, Sacramento, CA 95801.

The meeting was called to order by Chairman Bryson at 1:35 p.m. on February 2, 1978, in Room 1131 of the Resources Building, 1416 Ninth Street, Sacramento, California.

Board Members Present

Mr. Bryson, Mr. Maughan, and Mr. Adams. Chairman Bryson declared that a quorum was present.

Staff Present

Clint Whitney, W. R. Attwater, Richard L. Rosenberger, Mike Campos, Larry C. Spencer, Jim Markle, Chris Sproul, Lloy D. Johnson, Steve Macaulay, Byron Clark, and Diana Leman.

Others Present

U. S. Fish and Wildlife Service: Dr. Martin Kielson, Fishery Biologist; U. S. Bureau of Reclamation: David Schuster; Department of Water Resources: Ronald B. Robie, Director; Charles Shoemaker, Assistant Director; Department of Real Estate: Stirling R. Long, Chief Deputy, Comm. Subdivision; Department of Food and Agriculture: Mr. Robert M. Pratt, Special Assistant; Kern County Water Agency: Clifford Schulz, Attorney; Trinity County and Greater Calif. Water Management Coalition: George L. McColm, Water Management Consultant; South Delta Water Agency: Alex Hildebrand, Director; John A. Wilson, Attorney; North Delta Water Agency: D. E. Kienlen; East Contra Costa Irrigation District: Ross Rogers, Manager; Metropolitan Water Dist.: R. D. Will, General Counsel; Tulare Lake Basin W. S. D.: John Teerink; Westlands Water District: William R. Johnston, Assistant Manager; El Dorado Irrigation District: C. A. Goggin, Special Project Coordinator; Berrenda Mesa Water District: Ron Lampson, Engineer, Manager; Reclamation District 830: T. V. Halsey, President; Mission Viejo Co.: Paul Ingstrand; T-TSA: John Weidman; Alpine Springs & Squaw Valley: George Pifer; Fibreboard Corp.: Paul J. Olsen, Manager Eng. and Tech. Serv.; Sacramento Union: Paul Barnes, Reporter; California Farmer: Don Razee, Editor; University of California at Davis: R. S. Ayers, Soil and Water Specialist; California Manufacturing Assoc.: Jeanne Marie McGuckin, Student Intern, Lobbyist Aide.

Item 2 - Request by Mission Viejo Company to Resume Filling
Recreation Reservoir

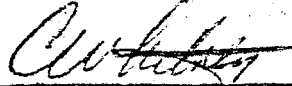
Mr. Paul Ingstrand, representing Mission Viejo Company, explain how Mission Viejo has complied with the State's Decision 1463, requested approval to purchase water from Santa Margarita Water District to fill the lake.

Mr. Bob Will, General Counsel, Metropolitan Water District, state that the capacity is available in the Colorado River Aqueduct, it is their present intention to use Colorado River water to fill Lake Mission Viejo.

Mr. Chuck Shoemaker, Assistant Director for Department of Water Resources, said that the Department of Water Resources had no problem with the filling of Lake Mission Viejo with Colorado River water.

MOTION: It was moved by Mr. Adams and unanimously carried that the Board amend its previous order on Lake Mission Viejo to allow a one-time filling of the lake with water other than water from the State Water Project.

I certify that the within document is a true and correct copy of Item 2 of the Minutes of the Special Board Meeting State Water Resources Control Board, held on February 2, 1978, at Sacramento, California.


C. L. Whitney
Executive Director,
Water Rights and
Administration
State Water Resources
Control Board

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